IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 239 OF 2003.

The Village Panchayat of
Penha de Franca, represented
by its Sarpanch, Britona. ... Petitioner.

Versus

1. Smt. Maria dos Anjos Messias Gomes
   e Rebelo, landlady, r/o F4,
   Jairam Complex, Neugi Nagar,
   Bhatulem, Panaji.
2. The Dy. Director of Panchayats,
   3rd Lift, 3rd Floor, Junta House
   Extension, Panaji.
3. The Director of Panchayats,
   3rd Lift, 3rd Floor, Junta House
   Extension, Panaji.
4. Paradise Co-op. Housing Society
   Ltd., (Govt. Employees Co-op.
   Housing Society Ltd.) through
   its Chairman, Alto Betim.
5. The Communidade of Serula,
   through its President/Attorney,
   Opp. State Bank of India, Alto
   Porvorim.
6. The Administrator of Communidades,
   Alto Mapusa.
7. The State of Goa through its
   Secretary, Panaji. ... Respondents.

Mr. S.M. Volvoikar, Advocate for the Petitioner.

Coram : F.I. REBELLO AND
P.V. HARDAS, JJ.

Date : 9th June 2003.

ORAL ORDER (PER REBELLO, J.)

This is a frivolous exercise by a Village Panchayat, who is the licensing authority in the village. Communidade land had been allotted to a Co-operative Housing Society of landless Government employees by Order dated 26th March 1977. Respondent No. 1 is one such employee, who is the member of that

Society. Respondent No. 1 was allotted a plot of land by the Society. From the record as it emerges, it appears that respondent no. 1 did not commence construction within the time frame. At any rate, the Co-operative Housing Society at the general body meeting passed a resolution on 13th January 2002, re-validating the allotment of the plot to the respondent no. 1. The title in the property was of the Society. The respondent no. 1 is an allottee. The petitioner herein rejected the application for construction on the ground that the allotment had come to an end as respondent no. 1 had not commenced construction. The appeal preferred by the respondent no. 1 before the Deputy Director of Panchayats was allowed. A further appeal preferred by the petitioner before the Director of Panchayats was dismissed by Order dated 21st January 2003 on various grounds, amongst others relying on the Judgment of this Court in **Village Panchayat of Velim v. Shri Valentine S.K.F. Rebello and another, 1990 (1) Goa Law Times (70).**

On behalf of the petitioner, counsel contended that the Judgment requires re-consideration more specifically because the new Act has come into force. It is not necessary to go into that matter. Admittedly, there is now a valid renewal in favour of the respondent no. 1. The respondent no. 1, therefore, can commence

construction. The petitioner herein was directed to give a licence for construction to the respondent no. 1. The petitioner is bound to comply with the same. The petitioner cannot inquire into the internal matter of the Co-operative Society nor raise grounds that as the construction had not been put up in time the land reverted to the Communidade. The Communidade nor the State Government has taken any action. It is debatable whether such action could be taken where the land was allotted not to the respondent no. 1 but to the Co-operative Society.

In the light of the above, petition rejected.

(F.I. REBELLO)
JUDGE.

(P.V. HARDAS)
JUDGE.

ed's.